

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department – Land Acquisition for House Sites – Khammam District – Tatipudi Village, Wyra Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.21,39,075/- towards balance decretal charges in OP No.44, 48 of /1996 – Orders- Issued.

SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 426

Dated: 19.06.2013

Read the following

1. From the District Collector, Khammam, Rc. No. H2-LA-1327/2007, dated 15.03.2013.
2. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA1/ 7356/ 2008, dated 17.04.2013.
3. From the Chief Commissioner of Land Administration & Spl Chief Secretary Ref No.SRP3/131/ 2012, Dated 20.04.2013

O R D E R:

In the reference 3rd read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the lands acquired to an extent of Ac.5.28 Gts in Sy.No. 26/1 situated at Tatipudi Village, Wyra Mandal of Khammam District for providing house sites to the weaker section people. The LAO/RDO, Khammam has passed award Procs.No.12/96/HS, dated 04.04.1996 duly fixing the market value @ Rs.40,000/- per acre together with the benefits of 30% Solatium, 12% AMV and 9% interest. On referring the matter U/s 18 of LA Act, the Sr Civil Judge at Sathupally has issued judgment and decree dated 19.11.2004 in both OP Nos. 44 and 48 of 96 as detailed below:

1. The claimant be and is hereby entitled compensation enhanced Rs. 25/- per square yard. i.e. from Rs. 40,000/- to Rs. 25/- Square yard and also awarded for agricultural well enhanced from Rs. 34,000/- to Rs. 65,000/-.
2. The claimant be and hereby further entitled to receive additional MV at the rate of 12% per annum from the date of publication of DN till the date of award i.e. 20.12.1995 to 04.04.1996.
3. The Claimant be and is hereby entitled to Solatium at 30 % on the enhanced market value.
4. The Claimant be and is hereby declared to claim interest at 9 % cent per annum from the date of taking possession of the land till the date of expiry of one year i.e. 04.04.1996 to 04.04.1997 thereafter at the rate of 15% per annum on the enhanced market value and Solatium till the date of deposit of compensation amount into Court.

Against the above orders, appeals were filed before the Hon'ble High Court of Andhra Pradesh Hyderabad with the below mentioned particulars.:

1. AS. No ; 586 of 2005 against OP. No : 48 of 1996
2. AS. No ; 599 of 2005 against OP. No : 44 of 1996

In the meanwhile, D.Hr has filed EP No. 57 of 2006 in OP. No 48/96 before the Lower Court for taking steps to execute the decree. After due course in the matter, the Hon'ble High Court of AP, Hyderabad, through the LAASMP, No. 84 of 2007 in LAAS No ; 586 of 2005 and LAASMP No. 57 of 2007 in LAAS No.599 of 2005 has given the interim directions for depositing the ½ of the enhanced compensation together with statutory benefits, and interest thereon within a period of 10/12 weeks from 01.02.2007. Later on, while confirming the Lower Court orders, the Hon'ble High Court, A.P Hyderabad have

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dismissed the LAAS No. 586 of 2005 & LAAS No. 599 of 2005 on 25.01.2011. In order to comply with the above orders, The District Collector, Khammam has prepared and furnished proposals to the Commissioner of Social Welfare, AP, Hyderabad for release of Rs. 19,59,359/- towards decretal charges in respect of O.P No : 44 and 48 of 96 to deposit in the Court of Senior Civil Judge at Sathupally. In turn the Chief Commissioner of Land Administration, A.P., Hyderabad vide his letter, G3/1839/2008, Dated 09.12.2011 has opined to prefer SLP before the Hon'ble Supreme Court of India with delay condone petition. The District Collector, Khammam has filed Special Leave Petitions before the Supreme Court of India against the said orders of the Hon'ble High Court of AP Hyderabad in the said Appeals. The Supreme Court of India in its orders dated 15.01.2013 have dismissed the SLP No.4063-4064/2013 with the below mentioned judgment contents.

- The State Government and petitioner shall ensure that the amount of compensation determined by the reference court is paid to the respondents (land owners) within a period of two months.
- A report showing the compliance of the aforesaid direction shall be filed in the Registry of the High Court.
- Thereafter, the matter be listed before an appropriate Bench.
- If it is found that the State Government and petitioner have failed to pay the amounts of compensation to the respondents in terms of the order, proceedings may be initiated against the defaulting officers under the contempt of Courts Act, 1971,

The District Collector, Khammam has submitted proposals to the Commissioner of Social Welfare, AP, Hyderabad for sanction an amount of Rs.21,39,142/- towards payment of decretal charges in OP No. 44 & 48 of 1996 for the lands acquired to an extent of Ac.5.28 Gts in Sy.No. 26/1 situated at Tatipudi Village, Wyrā Mandal of Khammam District for providing house sites to the weaker section people.

2. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, after verification and scrutiny of the proposals submitted by the District Collector, Khammam/ Commissioner of Social Welfare, AP, Hyderabad, has sent comparative calculation sheet for sanction of Rs.21,39,075/- towards payment of decretal charges in SLP No.4063-4064/2003 in LAAS No.586 & 599/2005 in OP No.44, 48 of 1996 for the lands acquired to an extent of Ac.5.28 Gts in Sy.No. 26/1 situated at Tatipudi Village, Wyrā Mandal of Khammam District for providing house sites to the weaker section people.

3. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs.21,39,075/- (Rupees twenty one lakhs thirty nine thousand and seventy five only) to the District Collector, Khammam towards payment of balance decretal charges in SLP No.4063-4064/2013 in LAAS No.586 & 599/2005 in OP No.44, 48 of 1996 for the lands acquired to an extent of Ac.5.28 Gts in Sy.No. 26/1 situated at Tatipudi Village, Wyrā Mandal of Khammam District for providing house sites to the weaker section people.

4. The expenditure sanctioned in para (3) above shall be met within the BE.2013-14 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

5. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Khammam to comply with the Court orders in SLP No.4063-4064/2013 in LAAS No.586 & 599/2005 in OP No.44, 48 of 1996.

Contd.,

6. The District Collector, Khammam shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad
The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Khammam

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, Khammam District.
Finance (Exp.SW/BG) Department
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER